

2082. Adulteration and misbranding of olive oil. U. S. v. 49 Gallon Cans, 44 Gallon Cans, and 13½-Gallon Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. Nos. 3504 to 3506, incl. Sample Nos. 29013-E to 29015-E, incl.)

Analysis showed that this product consisted essentially of cottonseed oil with little or no olive oil.

On December 12, 1940, the United States attorney for the Northern District of Ohio filed libels against 93 gallon cans and 13 half-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about May 28 and June 26, 1940, by the De Luxe Products Co. from McKees Rocks, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "O Sole Mio Virgin Extra Sublime Olive Oil."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil and containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the following designs and statements were false and misleading as applied to an article consisting essentially of cottonseed oil and containing little or no olive oil: "[Design of olive leaves and olives] O Sole Mio Virgin Extra Sublime Olive Oil * * * Olio D'Olive Vergine Extra Sublime * * * O Sole Mio Italian olive oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'of the best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. You need not hesitate to use this olive oil freely for cooking and eating purposes. Also splendid for medicinal use. [Similar statements in Italian.]; (on half-gallon size cans only) "Imported from Lucca-Italy * * * Importato da Lucca-Italy." It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On April 5, 1941, the De Luxe Products Co. having intervened but having failed to answer or plead further, judgments of condemnation were entered and the product was ordered destroyed.

2083. Adulteration and misbranding of olive oil. U. S. v. 45 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3545. Sample No. 25830-E.)

This product was not imported olive oil as represented but was a mixture of cottonseed oil and olive oil.

On December 18, 1940, the United States attorney for the Middle District of Alabama filed a libel against 45 cases of olive oil at Clanton, Ala., alleging that the article had been shipped in interstate commerce on or about November 4, 1940, by the National Specialty Co. from Nashville, Tenn.; and charging that it was adulterated and misbranded. It was labeled in part: "Nasco Pure Imported Olive Oil."

The article was alleged to be adulterated in that a mixture of olive oil and cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statement "Pure Imported Olive Oil" was false and misleading as applied to a mixture of olive oil and cottonseed oil.

On January 20, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

CANDY

2084. Adulteration of candy. U. S. v. Harris-Woodson Co., Inc., and Richard A. Harris. Pleas: nolo contendere on behalf of corporation; not guilty by Richard A. Harris. Corporation adjudged guilty and fined \$100. Richard A. Harris adjudged not guilty. (F. D. C. No. 2074. Sample Nos. 78460-D, 78462-D, 78521-D to 78523-D, incl., 78525-D, 78527-D, 78528-D, 78530-D, 78540-D, 78542-D, 78543-D, 87453-D to 87455-D, incl.)

This case was based on candy, of which one shipment contained moldy and rancid nuts and the others contained insect fragments, rodent hairs, and other extraneous material.

On or about June 3, 1940, the United States attorney for the Western District of Virginia filed an information against Harris-Woodson Co., Inc., Lynchburg, Va., and Richard A. Harris, alleging shipment within the period from on or about September 1 to on or about November 13, 1939, from the State of Virginia into